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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,933	03/24/2004	Helmuth Gabl	ANDPAT/185/US	5153

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,933	Applicant(s) GABL, HELMUTH	
	Examiner Joseph C. Rodriguez	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 13, 14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 7, 9-12, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Final Rejection

Applicant's arguments filed 3/12/07 have been fully considered but they are not persuasive for reasons detailed below.

The 35 U.S.C. 112 rejections are maintained or modified as follows:

These rejections have been withdrawn.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 13-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper (US 4,268,381) in view of Atkeison (US 5,119,953), Applicant's Admitted Prior Art and Bergdahl et al. ("Bergdahl 1") (US 6,290,067).

Hooper (Fig. 1-12) teaches a screen for cleaning a fiber suspension comprising: a housing (10); a screen basket (29) disposed between the housing and the rotor, the screen basket defining a plurality of separation units, the rotor extending axially and including a rotor segment extending axially from an area of minimum rotor diameter to

an area of maximum rotor diameter and defining a substantially parabolic shape adapted to the flow conditions in the associated separation unit (Fig. 1 showing substantially parabolic rotor 36); an accept chamber (Fig. 1) disposed between the screen basket and the housing; a reject outlet (Fig. 1, 6 near 63) disposed adjacent the area of maximum rotor diameter; and at least one device for interrupting axial flow disposed adjacent the area of maximum rotor diameter (Fig. 1 near 63 and on opposite side of and attached to rotor as well); at least one inlet for dilution water (Fig. 4); and at least one deflaking unit (Fig. 1, structures 31 or 44).

Hooper as set forth above teaches all that is claimed except for expressly teaching the screen basket defining a plurality of separation units, the rotor extending axially through all of the separation units, the rotor including a rotor segment disposed within each of the separation units and the at least one inlet for dilution water mounted on the housing and through a pipe inside the rotor, wherein the dilution liquid is fed in and opposite to the "running direction" of the rotor. Applicant, however, already teaches that it is known to construct multi-stage units (Specification, p. 2, ln. 15-16) and is merely vague as to the construction of the units. Atkeison also teaches that it is known to construct multi-stage separation units to allow for the further separation of the pulp suspension (Abstract; Fig. 1-9 showing multi-stage screening units in a variety of configurations). In view of the prior art, it cannot be regarded as non-obvious for one with ordinary skill in the art to arrive at the design claimed by Applicant as it simply involves duplicating the rotor and dilution water feature of Hooper in multi-stages as taught by Applicant and Atkeison. Further, Bergdahl 1 teaches the dilution inlet as

claimed (Fig. 2, 3 see dilution inlet liquid flowing in conduit 18 and then through rotor and then in multiple directions away from the rotor). Moreover, Bergdahl 1 teaches that this type of dilution liquid inlet prevents detrimental thickening of the reject fraction (col. 3, ln. 29-49). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Hooper as taught above.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive in view of the newly formulated prior art rejection set forth above. Consequently, the claims stand rejected.

Allowable Subject Matter

Claims 7, 9-12 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see


<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

May 6, 2007

A handwritten signature in black ink, appearing to be 'JR' or similar, written in a stylized, cursive manner.